

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEVON ADDISON BLANCHARD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-979-M
)	
LARRY HILL, <i>et al</i> ,)	
)	
Defendants.)	

ORDER

On November 19, 2009, United States Magistrate Judge Valerie Couch issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. The Magistrate Judge recommends that the Court dismiss the action without prejudice because plaintiff neither paid the required filing fee nor submitted a motion for leave to proceed *in forma pauperis*. The parties were advised of their right to object to the Report and Recommendation by December 9, 2008. A review of the file reveals that plaintiff filed his objection on May 13, 2009, where plaintiff indicates that he received a copy of the Report and Recommendation on December 14, 2008.

Upon de novo review, the Court:

- (1) OVERRULES plaintiff's objection the Report and Recommendation issued by the Magistrate Judge on November 19, 2008;
- (2) ADOPTS the Report and Recommendation issued by the Magistrate Judge on November 19, 2008;
- (3) DISMISSES the action without prejudice as to refiling.

IT IS SO ORDERED this 29th day of May, 2009.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE